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UTAH STATE
INSURANCE DEPT.

**BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF UTAH**

COMPLAINANT:

UTAH INSURANCE DEPARTMENT

RESPONDENT:

SUZANNE POWELL
3790 S. 1215 E.
Salt Lake City, UT 84106
License No. 107713

**STIPULATION
&
ORDER**

Docket No. 2007-015-LC

Enf. Case No. 1893

STIPULATION

1. Respondent, Suzanne Powell, is a licensed insurance agent in the State of Utah, holding License No. 107713.
2. Respondent stipulates with the Complainant, Utah Insurance Department, as follows:
 - a. If a hearing were held, witnesses called by the Complainant could offer and introduce evidence that would support the Findings of Fact herein;
 - b. Respondent admits the Findings of Fact and Conclusions made therefrom;

c. Respondent stipulates to the summary entry of the Order herein which shall be in lieu of other administrative proceedings by Complainant in this matter; and

d. Respondent and Complainant have negotiated the terms of the Order entered herein and Respondent agrees to its entry and further agrees to be bound by all its terms.

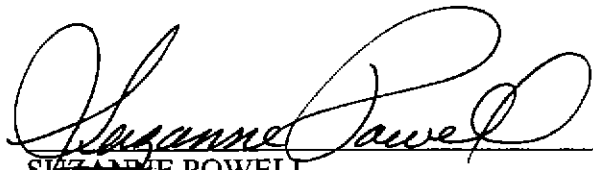
3. Respondent is aware of her right to a hearing at which she may be represented by counsel, present evidence and cross-examine witnesses. Respondent has irrevocably waived her right to such hearing and to any appeal related thereto.


4. Respondent admits the jurisdiction of the State of Utah Insurance Commissioner as to all matters herein.

5. Respondent is acting herein free from any duress or coercion of any kind or nature, having been advised fully as to her rights set forth herein.

6. Respondent acknowledges that the issuance of this Order by the Commissioner is solely for the purpose of disposition of the matter entitled herein.

DATED this 17 day of April, 2007.


SUZANNE POWELL


UTAH INSURANCE DEPARTMENT
M. Gale Lemmon, Assistant Attorney General

Based upon the foregoing Stipulation and information in the file, the Presiding Officer makes the following Findings of Fact:

FINDINGS OF FACT

1. On October 25, 2006, the department undertook a routine audit of Respondent's continuing education for the 2006 renewal of her insurance agent's license.
2. The audit revealed that Respondent had completed only 12 of the required 24 hours of continuing education prior to submitting her application for renewal of her insurance agent's license, but had certified in her application for renewal that she had completed the required continuing education.
3. Respondent did not complete the required continuing education until April 8, 2007.
4. Respondent's continuing education hours were also audited for the 2004 renewal of her license. That audit showed that she had not completed the required hours prior to the renewal of her license at that time, and the department issued a private letter or reprimand on August 16, 2004.

Based upon the foregoing Stipulation and Findings of Fact, the Presiding Officer enters the following Conclusions of Law:

CONCLUSIONS OF LAW

1. In failing to complete the required continuing education hours prior to submitting the application for renewal of her license, Respondent violated Utah Code Annotated § 31A-23a-202.

2. In falsely certifying that she had completed the required continuing education in her renewal application when such was not the case, Respondent violated Utah Code Annotated § 31A-2-202(6).

Based upon the foregoing Stipulation, Findings of Fact and Conclusions of Law, the Presiding Officer herewith enters the following Order:

ORDER

IT IS HEREBY ORDERED:

1. Respondent is assessed an administrative forfeiture in the amount of \$1,000.00, to be paid within 30 days of the date of this Order.
2. Respondent's insurance agent's license is placed on probation for a period of 24 months. The terms of probation are that Respondent shall pay the forfeiture assessed herein in a timely manner, shall complete all required continuing education prior to the submission of her next application for renewal, and shall have no further violations of the Utah Insurance Code or Rules or of any order of the commissioner.

NOTIFICATION

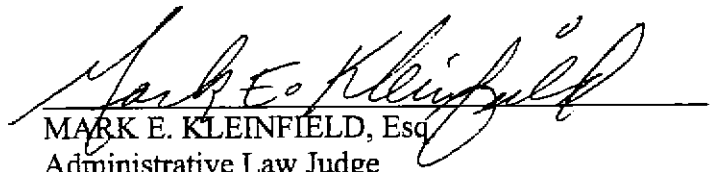
Respondent is hereby notified that failure to abide by the terms of this Order may subject you to further penalties, including additional forfeitures of up to \$5,000.00 per violation and the suspension or revocation of your license, and the filing of an action to enforce this Order in the District Court, which may impose penalties of up to \$10,000.00 per day for continued violation.

You are further notified that other jurisdictions in which you may be licensed may require

that you report this action to them.

DATED this 19th day of April, 2007.

D. KENT MICHIE
INSURANCE COMMISSIONER

A handwritten signature in cursive script, reading "Mark E. Kleinfeld", is written over a horizontal line.

MARK E. KLEINFELD, Esq.
Administrative Law Judge
Utah Insurance Department
State Office Building, Room 3110
Salt Lake City, Utah 84114
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